

01-20-04.

PTO/SB/21 (08-00)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number	10/680,640
	Filing Date	10-07-2003
	First Named Inventor	William E. Rodgers
	Group Art Unit	3736
	Examiner Name	
Attorney Docket Number		6734 CON

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard Petition to Make Special ... Statement in Support of Petition
Remarks Applicant believes that all appropriate fees are hereby paid, but authorization is hereby given to charge Deposit Account No. <u>18-0882</u> for any fee deficiency or credit any overpayment. <u>Antonia M. Holland</u> Antonia M. Holland		

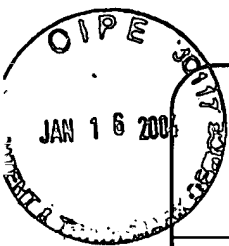
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Antonia M. Holland	RECEIVED
Signature	<u>Antonia M. Holland</u>	
Date	January 16, 2004	JAN 22 2004 TECHNOLOGY CENTER 23706

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MW1053199



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/680,640
Filing Date	10-07-2003
First Named Inventor	William E. Rodgers
Examiner Name	
Art Unit	3736
Attorney Docket No.	6734 CON

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METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
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Number

18-0882

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The Director is authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		-20 **	=	0	X		=	0
Independent Claims		-3 **	=	0	X		=	0
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 130

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Antonia M. Holland	Registration No. (Attorney/Agent)	53,840	Telephone	414-298-8285
Signature	Antonia M. Holland			Date	01-16-2004

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PATENT APPLICATION

By: Antonia M. Holland
Antonia M. Holland

Date: January 16, 2004

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TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 3736

EXAMINER:

In re application of: William E.)
Rodgers)

Application No: 10/680,640)

For: Caveson for Use With Horses

Filed: October 7, 2003)

Attorney Docket No. 6734-CON)

01/21/2004 MDAHTE1 00000083 10680640

January 16, 2004

01 FC:1460

130.00 OP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
(37 C.F.R. § 1.102 and M.P.E.P. § 708.02)

NOTE: See M.P.E.P. § 708.02, 7th ed.

Applicant hereby petitions to make this application special because of actual infringement.

1. Accompanying material

Accompanying this petition is:

- (a) A Statement by Attorney in Support of Petition to Make Special Because of Actual Infringement.

An Information Disclosure Statement was filed with the application on October 7, 2003 and a copy of each reference is believed already of record in this case, or the parent case U.S. Application No. 10/137,596.

2. **Fee** (37 C.F.R. § 1.17(h)-\$130.00)

☒ Attached is a ☒ check ☐ in the amount of \$130.00 for submission of this petition to make special.

☐ Authorization is hereby made to charge the amount of \$ _____

☐ to Deposit Account No. _____

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

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☒ Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 18-0882.

Respectfully submitted:

BY Antonia M. Holland

Antonia M. Holland

Attorney for Applicant

Registration No. 53,840

Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202
(414) 298-8285

Customer No. 22922



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PATENT APPLICATION

By: Antonia M. Holland
Antonia M. Holland

Date: January 16, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 3736

EXAMINER:

In re application of: William E.)
Rodgers)
Application No: 10/680,640)
Filed: October 7, 2003)
Attorney Docket No. 6734-CON)

For: Caveson for Use With Horses

January 16, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF
ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)

I, Antonia M. Holland, of Reinhart Boerner Van Deuren s.c., located at 1000 North Water Street, Suite 2100, Milwaukee, WI 53202, in the United States, am a registered practitioner in this case and make the following statements:

A. There is an alleged infringing device actually on the market.

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The Billy Royal® Rubber Training Caveson was first discovered to exist on November 19, 2002, and is currently being manufactured and sold in both a printed catalog and on the Internet. Exhibit A is a copy of a page in the Schneider's Tack catalog displaying the infringing Billy Royal® Rubber Training Caveson device. Exhibit B is a copy of the Internet web page exhibiting the infringing Billy Royal® Rubber Training Caveson device.

B. A rigid comparison of the alleged infringing device, referenced in Exhibits A and B, and the claims of the application has been made and Claims 29, 31, 39, 48, and 55 are found to be unquestionably infringed.

1. The allegedly infringing device.

The Billy Royal® Rubber Training Caveson contains a circular segment, including an upper, noseband portion that runs over the nose of a horse and a lower, jaw strap portion that runs under the chin of a horse when the caveson is installed. The circular segment of the Billy Royal® Rubber Training Caveson is made at least in part of stretchable, rubber material located on the sides of a horse's muzzle. As illustrated in Exhibit B, the stretchable, rubber material located on the sides of the horse's muzzle is part of both the upper, nose strap portion and the lower, jaw strap portion of the circular segment. Further, a headstall is attached at each end to the circular segment and runs behind the ears of the horse when installed. As shown in Exhibit B, the rubber inserts of

the Billy Royal® Rubber Training Caveson are stretchable and yet are intended to exert resistance when the horse attempts to open his mouth.

2. Claim 29 of Applicant's Invention

Claim 29 is directed to a caveson comprising a circular segment made at least in part of an elastic, stretchable material, which encircles the muzzle of a horse when installed and a headstall which is attached to the circular segment at each end and which runs behind the ears of the horse when installed. As disclosed in both Claim 29 and the specification, the elastic material can be any material that is stretchable yet exerts resistance on the horse's mouth when the horse attempts to open its mouth.

As stated above, the Billy Royal® Rubber Training Caveson has a circular segment that is made at least in part of an elastic material and a headstall. Therefore, because the Billy Royal® Rubber Training Caveson contains each and every element of Claim 29, Claim 29 is unquestionably infringed by the Billy Royal® Rubber Training Caveson.

3. Claim 31 of Applicant's invention.

Claim 31 is directed to a caveson comprising a circular segment having upper and lower hemispherical portions, in which either the upper or the lower hemispherical portion or both are constructed at least in part of an elasticized, resilient material. The caveson further comprises a headstall attached to the circular segment on opposite sides thereof.

As stated above, the Billy Royal® Rubber Training Caveson contains both a circular segment that is made at least in part of an elasticized, resilient material and a headstall. Both the upper hemispherical portion and the lower hemispherical portion of the Billy Royal® Rubber Training Caveson contain a rubber portion located within the circular segment which is an elasticized, resilient material -- designed to provide the caveson with resistance while permitting limited movement of a horse's mouth.

Therefore, the Billy Royal® Rubber Training Caveson contains a circular segment having at least a section of its upper and lower hemispherical portions constructed of an elasticized, resilient material. Accordingly, because the Billy Royal® Rubber Training Caveson contains each and every element of Claim 31, Claim 31 is unquestionably infringed by the Billy Royal® Rubber Training Caveson.

4. Claim 39 of the Applicant's invention.

Claim 39 is directed to a cavseon comprising a circular segment containing right and left side portions and at least one elasticized, resilient portion and a headstall attached to the circular segment at the right and left side portions of the circular segment. The elasticized, resilient portion is located anywhere within the circular segment and provides the circular segment with the ability to exert constant pressure on a horse's nose, but with the ability to yield slightly when the horse attempts to open its mouth, thereby reducing the pain.

As stated above, the Billy Royal® Rubber Training Caveson contains both a circular segment that is made at least in part of an elasticized, resilient material (rubber) and a headstall. The rubber material is present within the circular segment, and therefore meets each and every limitation of Claim 39. Accordingly, Claim 39 is unquestionably infringed by the Billy Royal® Rubber Training Caveson.

5. Claim 48 of the Applicant's invention.

Claim 48 discloses a caveson comprising a circular segment for encircling the muzzle of an animal in which the circular segment contains at least one resilient section constructed of an elastic material. The caveson of Claim 48 also contains a headstall attached to the circular section.

Clearly, and as stated above, the Billy Royal® Rubber Training Caveson contains both a circular segment including a resilient section constructed of an elastic (rubber) material and a headstall. Accordingly, because the Billy Royal® Rubber Training Caveson contains each and every element of Claim 48, Claim 48 is unquestionably infringed by the Billy Royal® Rubber Training Caveson.

6. Claim 55 of the Applicant's invention.

Claim 55 is directed to a caveson comprising a noseband constructed at least in part of an elasticized, resilient material and a jaw band constructed at least in part of a resilient material which together comprise a circular segment which will be constructed at

least in part of an elasticized, resilient material. The caveson further comprises a headstall attached to the circular segment on opposite sides thereof.

As stated above, the Billy Royal® Rubber Training Caveson contains both a circular segment that is made at least in part of an elasticized, resilient material and a headstall. Both the noseband portion and the jaw strap portion of the Billy Royal® Rubber Training Caveson contain a portion of the rubber insert located within the circular segment which is an elasticized, resilient material -- designed to provide the caveson with resistance while permitting limited movement of a horse's mouth. Therefore, the Billy Royal® Rubber Training Caveson contains each and every element of Claim 55, Claim 55 is unquestionably infringed by the Billy Royal® Rubber Training Caveson.

C. Pursuant to 37 C.F.R. 1.102(d), I have a good knowledge of the pertinent prior art. An Information Disclosure Statement citing the references deemed most closely related to the subject matter encompassed by the claims was filed on October 7, 2003.

Favorable consideration of this petition is respectfully submitted. Should the Examiner believe that the prosecution of the application could be so expedited, the Examiner is requested to call Applicant's undersigned attorney at the number listed below.

Respectfully submitted:

BY Antonia M. Holland
Antonia M. Holland
Attorney for Applicant
Registration No. 53,840

Reinhart, Boerner, Van Deuren s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202
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Customer No. 22922

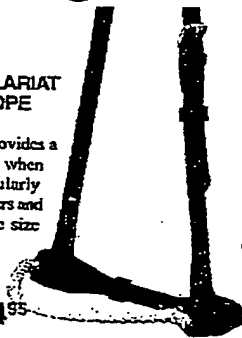
Training Aids



SCHOOLING LARIAT DRAW-TITE ROPE CAVESON

Stiff lariat rope provides a little bit of "bite" when schooling. Particularly effective for jumpers and polo horses. Horse size with plenty of adjustment.
#01843

(Reg \$50) **\$34⁹⁵**



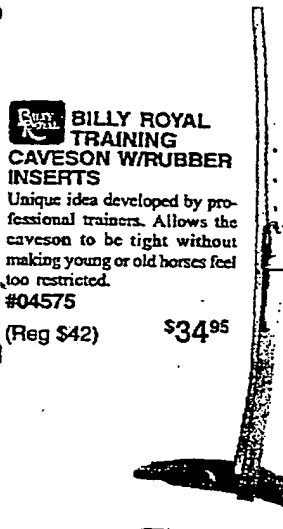
BILLY ROYAL TRAINING CAVESON W/RUBBER INSERTS

Unique idea developed by professional trainers. Allows the caveson to be tight without making young or old horses feel too restricted.

#04575

(Reg \$42)

\$34⁹⁵



ROUND CAVESON

Stiff nylon rope noseband to keep horse's mouth closed. Adjustable 5/8" latigo headstall.

#01762 19" (Reg \$15)

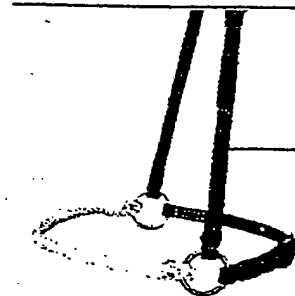
\$12⁹⁵

2 for **\$11⁹⁵ ea.**

#01761 23" (Reg \$16)

\$12⁹⁵

2 for **\$11⁹⁵ ea.**



ALL-PURPOSE CAVESON

"Winning is what I strive for and ment is a big part of winning. I the best, most effective I've ever seen."

Bob Hart

Developed by Bob Hart Jr., one most successful trainers in the A industry and highly regarded horsemen for the many creative acts he has developed. Great to shows. Allows y school up until en the ring because it off easily without unbr the horse. The specially de rawhide core will form perfe your horse's nose. Adjust ca looser than others as the rais tons on chin are specifically tioned to achieve the desired with minimal contact. By ad the headstall, caveson shoul breeds.

#01710

(Reg \$1)

\$89⁹⁵



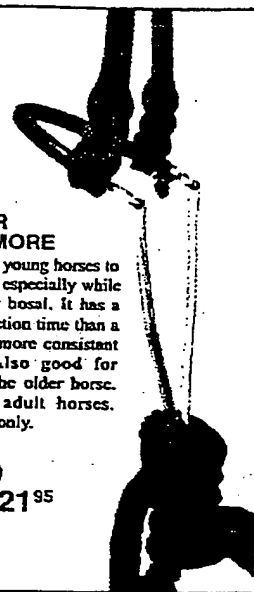
SCISSOR HACKAMORE

Helps teach young horses to lower head, especially while training for bosal. It has a quicker reaction time than a bosal with more consistent headset. Also good for schooling the older horse. Fits most adult horses. Hackamore only.

#00400

(Reg \$35)

\$24⁹⁵ \$21⁹⁵



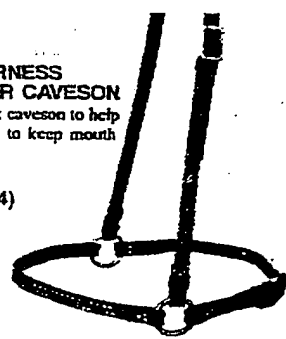
1/2" HARNESS LEATHER CAVESON

Basic work caveson to help train horse to keep mouth shut.

#01795

(Reg \$24)

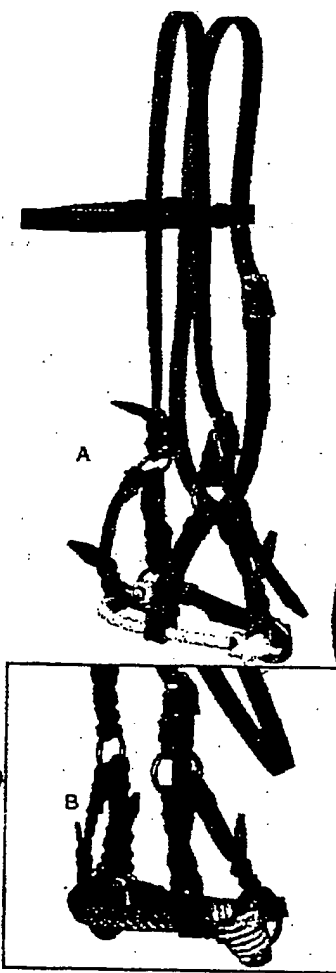
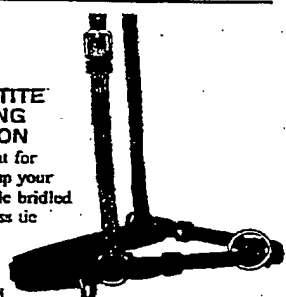
\$19⁹⁵



DRAW-TITE LUNGING CAVESON

Convenient for warming up your horse while bridled and to cross tie at stalls. Finest harness leather and brass hardware.

#01834 (Reg \$42) **\$33⁹⁵**



A. SINGLE ROPE SIDEPULL

A popular and effective training tool with the noseband made from a single piece of nylon rope that gives a better feel on the horse's nose. Heavy latigo sliding ear headstall with double chin straps keep the noseband up and in place during use. Single buckle adjustment. Nickel plated hardware.

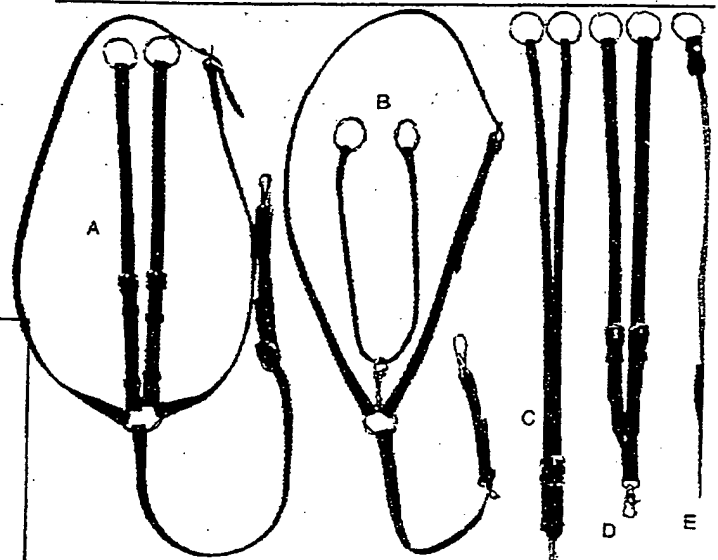
#01700 (Reg \$35)

\$29⁹⁵

B. DOUBLE ROPE SIDEPULL

#01701 (Reg \$40)

\$35⁹⁵



Western Training Martingales

A. ADJUSTABLE PLEASURE MARTINGALE

Allows for full range of motion of the horse's head from side to side. The rings help give the effect of a slightly weighted rein. Made of finest quality durable harness leather and brass hardware.

#01825 (Reg \$50)

\$39⁹⁵

B. SLIDING RUNNING MARTINGALE

Aids in lateral neck flexion due to the sliding system. Made of harness leather and brass hardware.

#01818 (Reg \$50)

\$39⁹⁵

C. TEXAS TRAINING FORK

Made of finest durable harness leather hardware.

#01465 (Reg \$19)

D. ADJUSTABLE TRAINING F
Snap on adjustable fork allows for m exact control. Finest leather and brass l

#01466 (Reg \$28)


E. SURGICAL TUBING TRAINING FORK

Utilizes surgical rubber tubing for give action to help achieve the proper head Attach to girth.

#01449 (Reg \$24)

SCHNEIDERS**SS Tack.com**

Training / Conditioning

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Training Equipment

Bridles/Headgear

Surcingle

Reins - draw/side

Martingales

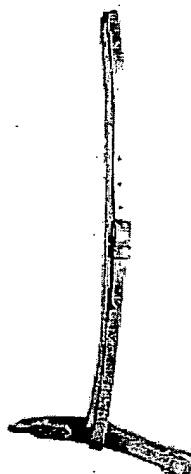

Lunge Equipment

Protective Equipment

Sweats

Whips/Crops

Jumps/Cones/Markers

[View Other Categories](#) [Another view](#)**Billy Royal® Rubber Training Caveson**

Unique training caveson features heavy rubber inserts on each side of nose. Allows caveson to be tightened without making young or bridle shy horses feel too restricted. Rolled leather over nose provides more bite than flat nose cavesons. Adjustable curb and single side adjustment at cheek.

Item #	Description	Qty	Reg. Price	Our Price
04575	Billy Royal® Rubber Training Caveson	<input type="text" value="1"/>	\$42.00	\$34.95

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